

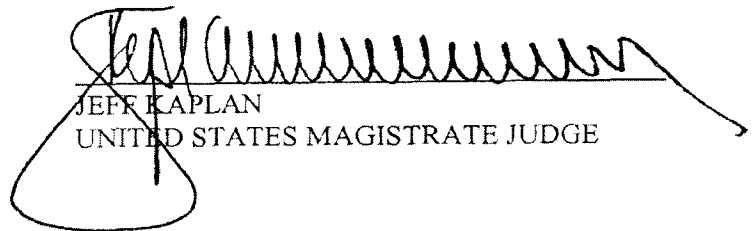
In making this ruling, the court is mindful that "the rejection of expert testimony is the exception rather than the rule." *See* FED. R. EVID. 702, adv. comm. notes (2000). *Daubert* did not work a seachange over federal evidence law, and "the trial court's role as gatekeeper is not intended to serve as a replacement for the adversary system." *See id.*, quoting *United States v. 14.38 Acres of Land, More or Less, Situated in Leflore County, Mississippi*, 80 F.3d 1074, 1078 (5th Cir. 1996).

Even after *Daubert*, "[v]igorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence." *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786, 2798, 125 L.Ed.2d 469 (1993); *see also In re Paoli Railroad Yard PCB Litigation*, 35 F.3d 717, 744 (3d Cir. 1994), *cert. denied*, 115 S.Ct. 1253 (1995) ("The grounds for the expert's opinion merely have to be good, they do not have to be perfect."). Where, as here, qualified mental health professionals disagree as to whether and to what extent a plaintiff has suffered cognitive impairments as a result of injuries sustained in an accident, the "battle of experts" should be resolved by a jury, not by the court. The same is true for expert testimony regarding economic damages.

For these reasons, the motions to exclude expert testimony [Docs. # 113, 116, 125, 139] are denied.

SO ORDERED.

DATED: November 10, 2008.

  
JEFF KAPLAN  
UNITED STATES MAGISTRATE JUDGE